

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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| JOSEPH PILCHESKY, | : | |
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| Plaintiff | : | Civil No. 3:14-CV-381 |
| | : | |
| | : | (Judge Mannion) |
| v. | : | |
| | : | |
| | : | (Magistrate Judge Carlson) |
| FEDERAL MARSHAL’S OFFICE : | : | |
| OF THE UNITED STATES, et al., : | : | |
| | : | |
| Defendants | : | |

MEMORANDUM ORDER

THE BACKGROUND OF THIS CASE IS AS FOLLOWS:

The plaintiff, a *pro se* litigant, alleges that four deputy U.S. marshals violated his constitutional rights under the First and Fourteenth Amendments by engaging in malicious invasion of privacy, intrusion upon seclusion and trespassing in the course of efforts to locate a fugitive sought by the Marshals Service. Pilchesky has filed a motion to compel discovery in this case, but has not submitted a brief in support of that motion, and the time for filing a brief has now passed. (Doc.64.) Pilchesky previously filed a motion to compel, without a supporting brief, in this case and at that time we denied the motion, and instructed Pilchesky that he was required by the Local Rules to submit a brief in support of such a motion. (Doc. 37.)

Despite this prior notice the plaintiff has once again filed a motion to compel discovery in this case, (Doc. 64.), that has not has been accompanied by a brief, as required by the Rules of this Court. Once again, we note for the plaintiff that the

failure to file briefs in support of these motions has consequences for the plaintiff since we are entitled to deem the plaintiff to have withdrawn a motion when he fails to properly support that motion by filing a brief in a timely fashion. See, e.g., Salkeld v. Tennis, 248 F. App'x 341 (3d Cir.2007) (affirming dismissal of motion under Local Rule 7.5); Booze v. Wetzel, 1:12-CV-1307, 2012 WL 6137561 (M.D. Pa. Nov. 16, 2012) report and recommendation adopted, 1:CV-12-1307, 2012 WL 6138315 (M.D. Pa. Dec. 11, 2012); Breslin v. Dickinson Twp., 1:09-CV-1396, 2011 WL 1577840 (M.D.Pa. Apr.26, 2011) Prinkey v. Tennis, No. 09-52, 2010 WL 4683757 (M.D.Pa. Nov.10, 2010) (dismissal under Local Rule 7.5); Griffin v. Lackawanna County Prison Board, No. 07-1683, 2008 WL 4533685 (M.D.Pa.Oct.6, 2008) (dismissal under Local Rule 7.6).

Accordingly, the motion to compel (Doc. 64.) will be deemed withdrawn and DISMISSED without prejudice to submission of a renewed motion and accompanying brief in compliance with the Rules of this Court.

So ordered this 5th day of October 2016.

S/Martin C. Carlson

Martin C. Carlson

United States Magistrate Judge